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#210

SHYH-FANN TYAN-NOREM AND BIN-TI YAO TYAN-NOREM

AUGUST 6 (legislative day, AUGUST 4), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

ORIGINAL

[To accompany S. 306]

The Committee on the Judiciary, to which was referred the bill (S. 306) for the relief of Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem. The bill provides for the payment of the required visa fees and for appropriate visa number deductions.

STATEMENT OF FACTS

The beneficiaries of the bill are a 59-year-old husband and his 51-year-old wife who are citizens of the Peoples Republic of China. Mr. Tyan-Norem has been in the United States 21 years and his wife, 18 years. They were legally adopted December 13, 1971, in Oshkosh by a U.S. citizen who died in 1974, and their names changes to include that of Norem. Their only child was married to an American citizen and became a lawful permanent resident in June 1978. She has returned to Taiwan to study with her husband.

Both beneficiaries have been employed in Oshkosh since 1974 as restaurant proprietors. Their assets consist of a restaurant purchased in 1974 in Oshkosh valued at $120,000 and 80 percent of a second restaurant purchased in 1977 in Appleton which is of equal value. Their restaurants employ nine U.S. citizens, one lawful per-

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manent resident, and a Filipino who is an applicant for sixth preference immigrant status.

Mr. Shyh-Fann Tyan-Norem is the beneficiary of an approved sixth preference visa petition and an immigrant visa is available to him. He is statutorily ineligible to adjust his status in the United States and his application for permission to reapply for admission to the United States following deportation was denied and dismissed on appeal to the Regional Commissioner on May 17, 1983.

A letter, with attached memorandum, dated August 10, 1983, to the Chairman of the Senate Committee on the Judiciary, from the Immigration and Naturalization Service with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC., August 10, 1983.

A14 512 434.
A18 959 926.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This refers to S. 1339 in behalf of Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem, who were also beneficiaries of S. 192 during the 97th Congress.

The beneficiary Shyh-Fann Tyan-Norem is the beneficiary of an approved sixth preference visa petition and an immigrant visa is available to him. However, he is statutorily ineligible to adjust his status in the United States and his application for permission to reapply for admission to the United States following deportation was denied and dismissed on appeal to the regional Commissioner on May 17, 1983.

Both beneficiaries have been employed in Oshkosh since 1974 as restaurant proprietors and claim a joint net income of about $30,000. Assets consist of a restaurant purchased in 1974 in Oshkosh valued at $120,000 and 80% of a second restaurant purchased in 1977 in Appleton of equal value. The Oshkosh restaurant employs three United States citizens and one Filipino who is an applicant for sixth preference immigrant status. The Appleton restaurant employs six United States citizens and one lawful permanent resident. Additional assets claimed are a gift shop valued at $30,000 and two houses valued at $40,000 each plus personal property of about $30,000 and a $5,000 savings account.

The beneficiaries' only child, Jean Marie Tyan-Norem, became a lawful permanent resident in June 1978 based on her marriage to Greg Dieckmann, a United States citizen. Despite the previous request for asylum, Jean Marie has returned to Taiwan to study with her husband. The beneficiaries' only other living relative is stated to be a 70-year-old uncle in Taiwan with whom they have no contact.

The beneficiaries' adoptive mother. Mrs. Norem, died in 1974 and left one of the homes to the beneficiaries. They now rent out the home for $300 a month.

Sincerely,

FOR THE COMMISSIONER,

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MARVIN T. ELY
(For Greg Leo, Acting Director,
Congressional and Public Affairs).

Senator William Proxmire has submitted the following information in support of his bill:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC., July 13, 1983.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you in support of S. 1339 which I have introduced for the relief of Shyh-Fann, Tyan-Norem, A14 512 434, and his wife, Bin-Ti Yao Tyan-Norem, A18 959 926. Mr. Tyan-Norem entered the United States on or about August 26, 1965, at Detroit as a tourist. He is 57 years old and was born in Honan Province, Peoples Republic of China. He currently resides at 800A Oregon Street in Oshkosh, Wisconsin. He obtained his visa through the American Consulate General in Toronto, Canada.

Mrs. Tyan-Norem entered the United States on July 7, 1968, at Seattle on an F-2 visa as the wife of a student. She is 49 years old and was born in the Peoples Republic of China. She currently resides with her husband at the above address. She obtained her visa through the American Embassy in Manila.

Mr. and Mrs. Tyan-Norem are both natives of the Peoples Republic of China. His father, an elected representative in the provincial government in Honan Province, was murdered by the communists in 1947, as at which time Mr. Tyan-Norem fled on foot across China to Taiwan where he studied at the Taiwan Provincial University.

Mrs. Tyan-Norem's family left China immediately prior to the Japanese occupation and fled to the Philippines where they lived during World War II. In the mid-fifties Mrs. Tyan-Norem traveled to Taiwan to study at the National Taiwan University where she met and married Mr. Tyan-Norem. After the birth of their daughter, they returned to the Philippines where Mr. Tyan-Norem attended graduate school. He then came to Canada where he continued his graduate studies for a year. The following year he entered the United States as a tourist and visited Wisconsin where he was greatly impressed with the University of Wisconsin. His request for adjustment of status to that of a student was approved and he began his studies in business administration. His wife and daughter joined him here in 1968 and Mrs. Tyan-Norem also enrolled at the University.

During this time, the Tyan-Norems became very close to Professor Ralph Norem who taught at the University and his wife. After Professor Norem passed away, Mr. Tyan-Norem was adopted by Mrs. Norem at which time he added her name to his own. The Norems had no children and the Tyan-Norems lived with Mrs. Norem in her home. Several years later Mrs. Norem's health failed and she suffered a broken hip and a colostomy which kept her bedridden for the remainder of her life, Mr. and Mrs. Tyan-Norem

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took care of her faithfully for an additional several years until she passed away.

During this period the Tyan-Norem's immigration status was questioned and they hired an attorney in Chicago to assist them. A deportation hearing was convened and suspension of deportation was denied. An appeal of his decision was submitted to the Board of Immigration Appeals. The Board denied this appeal. A motion to reopen was submitted and rejected. The decision was mailed only to Mr. Tyan-Norem's attorney who, Mr. Tyan-Norem alleges, never forwarded the information to him. Mr. Tyan-Norem then applied for a sixth preference petition which was approved by the Immigration and Naturalization Service. At this point he was issued a summons for deportation and reported as ordered to Chicago with his attorney who was gravely ill at the time. The attorney met with immigration officials privately and advised Mr. Tyan-Norem at the conclusion of the meeting that his problems had been resolved and that he should return to Oshkosh. The attorney died shortly thereafter.

A new attorney was hired and a petition for a stay of deportation was granted. A difference of opinion arose which resulted in the dismissal of the new attorney. A third attorney was then hired who is still handling the case. In 1980 the Tyan-Norems were ordered to report for deportation but a stay was granted based on the private bill I introduced, S. 2964. I reintroduced the bill in 1981 as S. 192 and have introduced it again as S. 1339.

While the private bill was pending, a sixth preference quota number became available for Mr. Tyan-Norem and it was thought that his immigration difficulties could be resolved by his returning to Taiwan and reentering the United States as a legal immigrant. His application for permission to reapply for readmission was rejected by the Immigration and Naturalization Service, however, and his request for a reconsideration was also denied. The reason given by the INS was that the refusal of the Tyan-Norems to return to the People's Republic warranted a finding of poor moral character.

Mr. Tyan-Norem obtained his sixth preference ranking as a specialty cook/chef at the Dragon Gate Restaurant in Appleton, Wisconsin, where he has worked since its opening in 1977. At the time the restaurant was opened. Mr. Tyan-Norem owned 40% of the restaurant with the other 60% divided among three other persons. Since that time Mr. Tyan-Norem has purchased an additional 40% leaving only 20% in the hands of one other owner. Mr. Tyan-Norem both cooks and manages the Appleton Restaurant and has opened Dragon Gate Restaurants in Oshkosh and Neenah. His wife has recently opened a Dragon Gate Gift Shop. Since their opening Mr. Tyan-Norem has employed at his three restaurants and the gift shop 288 American citizens. He has prospered through his own hard work and diligence and holds a responsible position in the community. Should he be deported, the future of the restaurants would be jeopardized and could easily result in the loss of a number of jobs for American citizens in the Fox River Valley area of Wisconsin, an area especially hard hit by the recession.

I am enclosing recent letters of support for this bill which I hope will be helpful to the Subcommittee. I am also enclosing letters of

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support which I requested in 1980 for the earlier bill. I originally had intended to submit these letters to the Subcommittee but the availability of a sixth preference quotas number at that time led me to believe that Mr. Tyan-Norem's problems could be resolved administratively. Should more current information be desired, I am confident that these same persons would be happy to write updated letters of support for the Tyan-Norems.

We have here an elderly husband and wife who have been in the United States for 18 and 15 years respectively and have done nothing but enhance their community and chosen country since their arrival here. In fact, if one were to make the worst possible case for the Tyan-Norems, the most that could be said against them is that they have tried to remain here in the United States where they can live in freedom and security. Having lost his father to the communists and having had to flee for hundreds of miles on foot to save his own life, Mr. Tyan-Norem has a special appreciation of life here in the United States. He and Mrs. Tyan-Norem are gainfully employed, have never been public charges and have invested in this country through their taxes for many years. Their only child, a daughter, is an honors student at the University of Minnesota and is married to an American citizen. Mr. and Mrs. Tyan-Norem would surely be eligible for adjustment of status under any amnesty program provided by the Congress.

If the Tyan-Norems are compelled to return to Taiwan, a country in which they lived as students only briefly, or to the Peoples' Republic of China where they might well be persecuted, no benefits whatsoever would accrue to the United States. If they indeed are forced to leave, the community, state and nation would lose their tax payments which are substantial, they would be separated from their only child and grandchildren to come and my constituents who have come to know and respect the Tyan-Norems would lose a great deal of faith in our governmental judgment.

Mr. and Mrs. Tyan-Norem have the qualities that immigrants to this country should have—industry, prudence, ambition and the steady determination to make a good productive life here for themselves and their family. It is very difficult to explain to my constituents why so many illegal aliens remain here while receiving federal and state welfare benefits with impunity and yet the INS is determined to deport this fine couple who have never received a penny of public assistance and have instead contributed significantly to the economic advantage of their community.

I strongly urge the Subcommittee to request the appropriate reports on this bill and to take favorable action on it so as to prevent a grave injustice from being carried out should this deserving elderly couple be deported. Should you or any members of the Subcommittee or your staff have any questions on this case, please let me know and I shall do my best to obtain the answers for you. I thank you for your consideration of this request.

Sincerely,

WILLIAM PROXMIRE.

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THE UNIVERSITY OF WISCONSIN,
Oshkosh, June 1, 1983.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, DC.

DEAR SENATOR PROXMIRE: I am writing to you in support of your private bill to grant permanent United States residency and citizenship to Mr. Shyh Fann Tyan-Norem, his wife, Bin Ti Yao, and their daughter, Jean.

Mr. Tyan-Norem and his wife are both graduates of the University of Wisconsin Oshkosh, having completed their baccalaureate work in 1971. After their graduation, as illustrated in a letter to you from Professor Bruce Black of our faculty, they not only made every possible attempt to observe the laws of the United States and the rules of the Immigration and Naturalization Service, but attempt to contribute to the Fox Valley community. There is every indication that they have been eminently successful in their business effort and absolutely no suggestion that they have willfully violated the laws. However, they have lived under a constant threat of deportation—first to Taiwan and more recently to the People's Republic of China. All appeals from these decisions of the INS have been summarily rejected, despite the fact that there is strong evience that deportation to mainland China would endanger the lives of the Tyan-Norems (Mr. Tyan-Norem's father was executed by the Red Chinese in 1947), equally strong evidence of their contributions to our communities and economy, and persuasive information concerning the hardships such deportation would create for them and for the region.

In 1977, Mr. Tyan-Norem was granted a Sixth preference visa. It continued to be valid, but the INS has rejected Mr. Tyan-Norem's request to be given assurance that he will be able to re-enter the United States after going abroad to pick it up. The view of the INS appears to be that the Tyan-Norems have been ordered to report for deportation at some time in the past, have failed to do so (on the grounds that their records do not make note of that reporting), and therefore that they are illegal aliens. While I am not perfectly familiar with the practices and operations of the INS, it appears to me that the position which has been taken concentrates far too heavily on the letter of the law and fails to take into consideration the qualities and contributions of these individuals to our society.

They are good, exemplary, and ambitious people, fully deserving of citizenship in the United States. I urge you to pursue this private bill and strongly support your fine efforts in this matter.

Cordially,

EDWARD M. PENSON,
Chancellor.

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THE UNIVERSITY OF WISCONSIN,
Oshkosh, May 9, 1980.

Senator WILLIAM PROXMIRE,
Senate Office Building,
Washington, DC.

DEAR SENATOR PROXMIRE: I am requesting your assistance for a Chinese family which has lived in Oshkosh for fifteen years (Mr. Shyh-Fann Tyan-Norem), or thirteen years (Mrs. Bin-Ti Yao Tyan-Norem and their daughter, Jean). Their files in the Chicago office of the U.S. Department of Justice, Immigration and Naturalization Service are: Shyh-Fann Tyan-Norem, A14 512 434; and Bin-Ti Yao Tyan-Norem A18 959 926.

Enclosed are two documents which summarize the Immigration and Naturalization Service views of the Tyan-Norem family's status. Miss Towse, of Rep. Thomas Petri's office in Washington has pursued this matter at my request during the past month, and Ms. Tidwell of your office may wish to collaborate with her in answering current questions.

I have known the Tyans since shortly after their arrivals, and have followed their progress in university studies and in the community closely. I will attempt to provide for you in chronological order my clear understanding of the events which precipitate this request, and which led to the Board of Immigration Appeals letter dated "April 9, 1980" which is enclosed.

In short, Tyans entered the United States initially as students. Both Shyh-Fann and Bin-Ti earned Bachelor's degrees from the University of Wisconsin-Oshkosh. They were adopted, first emotionally, then legally, by the Professor Ralph Norem family, and by the time their studies were completed, they were living with Mrs. Margaret Norem and caring for her in her terminal illess. Legal advice was sought and obtained at every moment, in response to every question from the Immigration and Naturalization Service. The Tyans obeyed their legal advice in each instance. At no time did their attorney (a sequence of three reputable lawyers) inform them or advise them of illegal or law-breaking actions.

Following legal advice and his own business sense, Mr. Tyan has opened three restaurants called "Dragon Gate" in Oshkosh (1974), Appleton (1977), and Neenah (1977), and Mrs. Tyan has opened a gift shop, the "Dragon Gate" in Oshkosh (1980). The Neenah "Dragon Gate" was sold to Mr. Wong in 1978, and the Tyans continue to manage-operate the three establishments to date. Annual gross business was estimated today by Mr. Tyan as totalling $181,600 for the three businesses. The Neenah "Dragon Gate" gross income was estimated at about $4000 per month. These businesses have provided for employment for about 75 Wisconsin residents since opening, and are valuable assets to each community. The loss of Tyans as owner-operators would close them. Each family member desires United States citizenship, and has behaved in exemplary manner while here. Jean will be an Honor graduate from Oshkosh West High School in June, 1980.

From their work in my classes, my reviews of their college work in 1972, and their diligent restaurant management since, I am familiar with many of the contacts they have had with lawyers, Con-

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gressmen, and the Immigration Service. In 1972, when Tyans' student visas ran out while they were considering graduate college, Mr. Russell Williams was their attorney. Many options for application for Permanent Resident status, employment, and continued studies were considered. Advice was sought from Sen. Nelson, Wis., and others, certified job offers were filed, F-1 and F-2 Visas were sought, critical skills and jobs were matched, and suspension of deportation was applied for. A delay was granted due to Bin-Ti's illness. Mr. Barrett O'Hara, attorney from Chicago, then became Tyans' lawyer of record, and until his death in 1978, intervened when deportation orders came from the Immigration and Naturalization Service. Twice, Mr. and Mrs. Tyan traveled to Chicago, with "Visas and 44 pounds of baggage", were escorted to the I. & N. S. office by Mr. O'Hara, and twice they were sent home with assurances that, ". . . everything has been taken care of. Everything is fine!" Paper tracks of motions filed and denied will be found in Tyans' records. Most recently, Allen Freedman, attorney of Chicago, in 1979 responded in their behalf to orders from I. & N. S., resulting in the Board of Immigration Appeals response, enclosed. Wm. Steiger advised them in 1977.

This request is made most urgently, in view of the highly probable (but not yet present) order for deportation. Shyh-Fann, Bin-Ti, and Jean each seek Permanent Resident status and complete United States citizenship. Tyans have no known living family connections in the People's Republic of China, where Communist troops murdered Shyh-Fann's father as they occupied Honan province, or in Taiwan. The family has deep emotional, psychological, and economic roots in Oshkosh and Appleton, Daughter Jean has attended Oshkosh schools from first grade through her high school graduation. She intends, if possible, to attend the University of Wisconsin-Madison, with summer sessions at the University of Wisconsin-Oshkosh. (The irony of her status as "non-resident" student, with higher fees, confronts us as we assist her registration, but it results from her not being officially a Permanent Resident or U.S. Citizen, an has nothing to do with her domicile and twelve-year school attendance in Oshkosh, Wisconsin. That is a problem for U.W. officials and the Wisconsin Attorney General to decide, however.)

It is my sincere understanding that all avenues for legal relief from deportation have been exhausted. My appeal for your assistance in the Tyan family behalf summarizes widespread concern from the Wisconsin community. Your efforts in sponsoring a private bill will be supported in depth in both the Senate and the House of Representatives. Your concern and assistance are deeply appreciated.

I will present my best understanding of the personal history of Shyh-Fann and Bin-Ti Yao Tyan, their education, adoption, economic situation, and facts concerning their ties and place in the Appleton-Oshkosh communities. Asylum in Wisconsin is sought for each, and for their daughter.

1926 June 17: Shyh-Fann Tyan was born in Teng Feng, Honan province, China. He had two brothers, one older, one younger, and one older sister. His father was an elected representative in

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provincial government, as a state Assemblyman, and was murdered by Communist troops in 1947. His uncle was in Nationalist Army against Japan and his older cousin was killed fighting the Japanese.

1934 May 5: Bin-Ti Yao was born in Chin Jung, Fukien province.

1938 The Yao family left China for the Philippines, just ahead of Japanese occupation, staying there for World War II.

1947 Advancing Mao-ist Communist troops occupied Teng Feng, killing landlords, teachers and professionals, and elected officials, including Shyh-Fann's father. Shyh-Fann was sent by his Mother to follow the Nationalist Armies to Taiwan.

1949 Shyh-Fann left Mainland China, expecting to enlist in Nationalist Army in Taiwan, following two years of foot-travel, with stops in Han Chow, Nanking, Shanghai, and a week in college in Canton, along an 800 mile route. The division (Army) he expected to join was dissolved as he arrived in Taiwan. He began studies at Taiwan Provincial University, in Chung Sung.

1955 Bing-Ti joined a musical-dramatic entertainment group (like our USO troupes) and flew to Taiwan in April to entertain the troops of the Nationalist Army. September: Bin-Ti returned to Taiwan, having met Shyh-Fann Tyan, and began her studies in Horticulture at the National Taiwan University.

1956 Shyh-Fann completed studies and began part-time work for the government economies department related to his degree in Land Economics (1956–8).

1959 Bin-Ti completed her degree in Horticulture.

1960 Tyans were married in Taipai, Taiwan. He continued to work for government.

1961 Bin-Ti returned to the Philippines in October.

1962 Daughter, Jean, born April, in Philippines. August: Bing-Ti and Jean returned to Taiwan.

1963 August: Shyh-Fann, Bin-Ti and Jean moved to Manila, Philippines, and he entered graduate school for studies in Pubic Administration.

1964 Shyh-Fann was accepted for studies in Agriculture Economics in Guelph Agricultural College, Guelph, Ontario, Canada.

1965 From Toronto, Shyh-Fann Tyan visited Detroit, Michigan, with a Visitor Visa, for pleasure: August 26. He learned of University of Wisconsin-Oshkosh, and was granted a "Non-immigrant Student Visa" for attendance here which extended until 29 August, 1972. He began studies in Business.

1966 19 August, "Student" Visa issued. Shyh-Fann continued studies in Business.

1968 July: Bin-Ti and Jean flew to Seattle, were met by Mr. Papp and driven to Oshkosh. (Residence: West Bent St.)

September: Jean began First Grade, Merrill School, Oshkosh, with English tutor. She spoke Mandarin, Fukien, and Filipino, but no English. (Grades 2–6, U. W.—Oshkosh Rose C. Schwart Campus School; Grades 7–8, South Park Middle School; Grades 9–12, Oshkosh West High School.)

1971 January: Shyh-Fann completed his Bachelor's Degree in Business Administration. He entered graduate studies in Business.

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May or June: Bin-Ti completed her Bachelor's Degree in Mathematics. She continued her studies for a major in Computer Science. Shyh-Fann was elected President of Chinese Students' Association. "China Night" dinners and entertainment were organized for Oshkosh community.

December: Both Shyh-Fann and Bin-Ti were legally adopted by Margaret Norem, culminating a warm relationship with Prof. Ralph Norem and his wife. The professor, author of a book about politics in China, and a member of the political science department at U.W.-Oshkosh, assisted Shyh-Fann as a student, but died in 1969. Mrs. Norem adopted both Tyans in 1971, and soon they moved to her home on Elmwood Ave.

1972 Both Mrs. Norem and Bin-Ti were hospitalized. Bin-Ti recovered; Mrs. Norem had a broken hip, a colostomy, and became bed-ridden. Her physician instructed Shyh-Fann in practical nursing techniques, and Tyan-Norems cared for her until her death in 1974, October.

January: Immigration and Naturalization Service questioned the student status of Bin-Ti and Shyh-Fann. Mr. Williams was retained as their lawyer. Dr. Reed offered employment, Mrs. Norem supported them.

1972 Mrs. Norem remained bed-ridden at home, requiring three bandage-changes each night. Bin-Ti took Computer Science courses, and an attempt was made to have Shyh-Fann declared dependent for Visa purposes.

February: Application for a permit to work was made with Dept. of Labor. Bin-Ti investigated a Master's Degree in Teaching mathematics. Shyh-Fann applied for a Wisconsin Driver's License: approved.

1973 June: Barrett O'Hara was hired in Chicago to represent Tyans in the Immigration Court hearing concerning the expired Student Visas. Tyans were not told of the Judge's decision to allow a 60 day period during which they might leave the country voluntarily.

February: Both Bin-Ti, recovering from December, 1972, illness and Shyh-Fann were in Chicago for the Court hearing.

October: The court decision that both were "Deportable" was sent to O'Hara. He apparently filed an appeal at once, and told Tyans not to worry.

1974 Using accumulated savings, and a $40,000 loan from the Small Business Administration, arranged by the building owner (a permanent resident) through the Madison, Wis., office, Tyans opened the "Dragon Gate" Restaurant at 800 Oregon St., Oshkosh, with Shyh-Fann as specialty chef. (He had chef positions at Josef's in Oshkosh in 1972 and at the "Peking Villa", Richfield, Wisconsin, in 1972–73)

March: A Deportation order was issued. Shyh-Fann reportedly went to Chicago, was accompanied to Immigration office by Mr. O'Hara, who spoke with "an officer privately" for a short while, and then was told to return to Oshkosh, continue running his restaurant, and not to worry. "Hardship" as defined under Sec. 244a.1, of the Immigration and Naturalization Act was suggested as the reason for the appeal, as both Bin-Ti and Shyh-Fann had "met the continuous residence requirement for suspension of

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deportation . . . being here over seven years!" as quoted from Judge Anthony D. Petrone's decision, 4 Oct., 1973. (His decision, however, was to deport them.) No discussion or instructions concerning voluntary departure can be recalled with the attorney.

1977 January 7: A petition was filed for a "Sixth preference petition" for Visa issuance. This followed advice from Cong. Wm. Steiger. The consulate of record was Taiwan (still recognized by the U.S. at that time).

March 4: A motion was filed to Suspend Deportation.

October: A new hearing took place in Chicago, but Tyans did not attend. "Mr. O'Hara took care of it." He represented them at the hearing.

November 15: Deportation was again ordered, and Visas taken by I.N.S. Tyans both went to Chicago as ordered. Mr. O'Hara discussed their situation with I.N.S. "officers" and told them to return to Oshkosh, "Go home, it's O.K.!" The actual Deportations notices were kept by O'Hara.

Appleton: The second "Dragon Gate Restaurant" was opened in a building remodeled on College Avenue, supported by a partnership of which Mr. Tyan owns 40 percent.

NOTE: Tyans registered as Aliens every January, as required. The validity of their adoption by Mrs. Norem was denied by I.N.S. in March 12, 1974.

December: Attorney Barrett O'Hara II died. Tyan's files were forwarded to them from his office in early 1978, enabling them to see for the first time the official documents of deportation.

November: "Dragon Gate" in Neenah opened.

1978 March: Shyh-Fann Tyan-Norem was interviewed in Milwaukee by I.N.S.

May: Neenah "Dragon Gate" sold to Mr. Wong.

1979 August 3: Notice of approval for the Sixth Preference Visa was received.

October 10: A Deportation Order was issued by the Chicago I.N.S. office, giving October 19 as the deadline for departure. Mr. Freedman retained.

October 17: The Tyans sought asylum in the United States and withholding of deportation. Their Passports were again taken by attorney for I.N.S.

1979 November: After an argument about fees, Mr. Allen R. Freedman resigned as the Tyan attorney. In correspondence dated 26 November, 1979, he informed them that, ". . . no one (except one who is married to a citizen of the United States) who worked without permission after January 1, 1977, can apply for permanent resident in the United States. . . . it is necessary that both of you return to Taiwan to obtain your immigrant visas." His letter also informed them of the difficulty of returning to the United States once deported, by obtaining special permission from the Attorney General of the U.S. (Letter available on request.)

1980 March: Tyans appeal to Congressman Thomas Petri for assistance.

March 29: Shyh-Fann Tyan-Norem and I met with the Congressman in Oshkosh.

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April 9: Board of Immigration Appeals decision was mailed to 1312 Elmwood Avenue, which was last occupied by Tyans in 1973 or 1974, and was returned to the Chicago I.N.S. office. (copy enclosed)

May 7: Ms. Towse, of Mr. Petri's office in D.C., learned by telephone of the decision, and informed me the next day.

May 9: I spoke with Ms. Tidwell, and interviewed Tyans at length to learn and renew information answering allegations in the April 9 decision and potential questions which you might have.

A summary of the economic contribution of the Tyan family enterprizes since each opened: "Dragon Gate" Restaurant, Oshkosh: (1974) Estimated gross business per year: $80,000; estimated total number of employees since opening: 20. "Dragon Gate" in Appleton: (1977) Estimated gross business per year: $98,000; estimated total number of employees since opening: 50. "Dragon Gate" in Neenah: (Nov., 1977–May, 1978) Estimated monthly gross: $4,000; estimated employees: 7. "Dragon Gate Gift Shop" in Oshkosh: (1980) Estimated monthly gross: $300; 2 employees.

These conservative estimates of business transacted, and employment provided for Fox Valley residents during the past seven years by the Tyans are evidence of the significant contribution to Wisconsin economy and welfare. In addition, Tyans own the restaurant building at 800 Oregon St., occupying the up-stairs apartment, a house at 1312 Elmwood Ave., and a van and automobile (a rough estimate of total value would be over $140,000.) as well as 40 percent interest in the Appleton Chinese Food Service, Inc., 406 W. College Ave. Three Chinese chefs have been trained by Shyh-Fann while working for him, and have later opened restaurants of their own: Mr. Hoover, in Picasso Plaza Hotel, Oshkosh; Mr. Chen, Fond du Lac, and Mr. Wong, Neenah. Mr. Tyan-Norem has taught Chinese cooking for Fox Valley T.I.

I have interviewed Bin-Tri and Shyh-Fann at length concerning their intentions. If allowed to become citizens, they plan to continue the "Dragon Gate" enterprizes, with growth projected to Green Bay through new partnerships. Mr. Tyan has demonstrated talent and ability as a manager, employer, and specialty chef. He would like to "manage himself out of the kitchen," and Bin-Ti would like to concentrate on accounting and management of the gift shop. They love Wisconsin and their friends here, and do not intend, if permitted, to leave. Oshkosh has been their home. Jean has attended all of her school years here. She seeks citizenship and a university education. She is an "American" person. She especially would suffer if deported.

Your assistance in aiding the Tyan-Norem family to obtain United States citizenship is urgently requested. There is clear evidence that they seek full citizenship, that they seek asylum from deportation, and that in many senses, they are "permanent residents" of Wisconsin in good standing with state and federal agencies (I.R.S., etc.) and their neighbors. Thank you!

Sincerely,

BRUCE B. BLACK, Ph.D.,
Associate Professor.

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LAWRENCE UNIVERSITY,
OFFICE OF THE PRESIDENT,
Appleton, WI, June 6, 1983.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR PROXMIRE: I have just learned of the deportation decision facing Mr. and Mrs. Shyhfann Tyan, owners of the Dragon Gate Restaurant in Appleton. While I cannot claim to be a personal acquaintance of Mr. Tyan, I have certainly been a patron of his restaurant and know of many friends and associates who are also. Indeed, when I came to Appleton in the spring of 1977 to be interviewed for a position at Lawrence, Margot and I were treated to a dinner at his restaurant. We have returned often on our own. He is, from all that I know and have heard, a well-regarded individual in our community. Although I do not fully comprehend the circumstances that would prompt the immigration service to seek his deportation after eighteen years in our country, I am wholly in support of your private bill designed to overturn that judgment. With all of the furor regarding so-called illegal aliens in the news and with plans afoot to introduce a five-year amnesty provision within a few months, it would be particularly unfortunate if someone who has worked as hard and as successfully to serve his fellow residents of our region as Mr. Tyan has were to be deported.

Please take this letter, then, as a strong endorsement of your action in support of Mr. Tyan's continued residency in our community and country. If there is anything else that I may do or say to further this issue, please let me know. Thank you for your interest in his case.

Sincerely,

RICHARD WARCH.

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406 WEST COLLEGE AVENUE,
Appleton, WI, June 18, 1983.

Senator WILLIAM PROXMIRE,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR PROXMIRE: I am writing to join Governor Earl, the Mayors of Appleton and Oshkosh, and others here in Wisconsin including Representatives Petri and Roth, in support of your private bill to grant citizenship in the United States to Mr. Shyh-Fann Tyan-Norem, his wife Bin-Ti Tyan-Norem, and their daughter, Jean. I hope to be able to clarify questions regarding our petition for labor certification, his employee-manager-owner status, and the number of United States employees who would have been affected by the deportation of this fine family.

I filed an affidavit dated the 3rd day of December, 1981, sworn before a notary, stating that as President/Secretary of the Appleton Chinese Food Service, Inc., 406 W. College Ave., Appleton, WI, which is the parent company of the Dragon Gate Restaurant, labor certification papers have been filed by the company on behalf of alien employee Shyh-Fann Tyan-Norem. Mr. Tyan-Norem has con-

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tinuously been employed as a full-time specialty cook/chef at the Appleton Dragon Gate, since it opened in 1977.

At that time, ownership was divided as follows: Mr. Tyan-Norem, 40 percent; Mr. Chao, 20 percent; Dr. Chien, 20 percent; and myself, Paul Woon, 20 percent. Since that time, Mr. Tyan-Norem has cooked and managed the restaurant in person, and has bought out Dr. Chien's interest (in 1981), and my interest (in 1982). In short, he has prospered. Mr. Tyan-Norem previously opened and managed Dragon Gate restaurants in Oshkosh and Neenah, Wisconsin, and his wife has recently opened a Dragon Gate Gift Shop. The Neenah Dragon Gate was sold at about the time the Appleton restaurant opened.

More than the financial equity which is represented in the businesses established and managed by Mr. and Mrs. Tyan-Norem, the human equity which has benefited by their skills and leadership should be considered as very important. The number of United States employees at each establishment since opening is listed below:

Oshkosh Dragon Gate Restaurant: 124 persons (since 1974).

Oshkosh Dragon Gate Gift Shop: 2 persons (since 1981).

Neenah Dragon Gate Restaurant: 19 persons (since 1976–77).

Appleton Dragon Gate Restaurant: 143 persons (since 1977).

These positions are jobs in the Fox River Valley, and represent income and taxes which were created as the Dragon Gate enterprizes were established by Mr. and Mrs. Tyan-Norem. The economic contribution can be measured in terms of jobs, and commerce, and taxes. The cultural and human contributions that the family makes to our communities are far greater.

Mr. Shyh-Fann continues to work full-time as chief chef at the Dragon Gate Restaurant in Appleton, earning a monthly salary of $1,300 by working six days a week, from 10 a.m. to 10 p.m. Thank you for your support in seeking relief for the family.

Sincerely,

PAUL S. WOON,
President, Dragon Gate Restaurant.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact inasmuch as it affects just two individuals.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 306) should be enacted.

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